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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,081	03/13/2001	Fumihiko Arakawa	DAIN:580	9115

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EXAMINER

AMARI, ALESSANDRO V

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,081

Applicant(s)

ARAKAWA ET AL.

Examiner

Alessandro V. Amari

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 8-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☒ Claim(s) 6 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ophey et al. U.S. Patent 5,694,247.

In regard to claim 1, Ophey et al. discloses (see Figures 6,7) an antireflection film comprising: a transparent layer (5) formed of a cured product of an ionizing radiation-curable resin composition as described in column 2, lines 42-50; and a concave-convex portion as described in column 4, lines 5-7 having a specific continuous and regular shape comprising fine concaves and convexes continuously provided at a predetermined pitch of not more than the wavelength of light as shown in Figures 6 and 7 and as described in column 4, lines 3-17.

Regarding claim 2, Ophey et al. discloses (see Figure 7) that the transparent layer is backed by a transparent substrate film (48) as described in column 6, lines 9-40.

Regarding claim 7, Ophey et al. discloses a display device comprising: a display section; and, stacked or disposed on the display section in its viewer side, the antireflection film according to claim 1 as described in column 7, lines 53-67, column 8, lines 45-58 and column 9, lines 1-8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ophey et al. U.S. Patent 5,694,247 in view of Yuyama et al. U.S. Patent 4,382,983.

Regarding claim 3, Ophey et al. teaches the invention as set forth above but does not teach that the transparent layer has a surface hardness of not less than H in terms of pencil hardness.

Regarding claim 3, Yuyama et al. does teach that the transparent layer has a surface hardness of not less than H in terms of pencil hardness as described in column 6, lines 59-64.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the transparent layer as taught by Yuyama in the device of Ophey et al. in order to provide for a transparent layer that is abrasion resistant.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ophey et al. U.S. Patent 5,694,247 in view of Ota et al. U.S. Patent 5,925,438.

Regarding claim 4, Ophey et al. teaches the invention as set forth above but does not teach that provided on the concaves and convexes, a layer formed of a resin composition having lower light refractive index than the transparent layer.

Ota et al. does teach (see Figure 2) that provided on the concaves and convexes, a layer (3) formed of a resin composition having lower light refractive index than the transparent layer as described in column 2, lines 57-58 and 66-67.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the layer having lower light refractive index than the transparent layer as taught by Ota et al. in the device of Ophey et al. in order to increase the antireflective properties of the film.

Regarding claim 5, Ophey et al. teaches the invention as set forth above but does not teach that the antireflection film has antistatic properties.

Ota et al. does teach that the antireflection film has antistatic properties as described in column 11, lines 23-30.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to manufacture the film of Ophey et al. to incorporate the antistatic properties as taught by Ota et al. in order to prevent deposition of dusts on the film.

Allowable Subject Matter

6. Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claim 6 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "a polarizing element comprising: a polarizing plate; and, stacked on the polarizing plate, the antireflection film according to claim 1" as set forth in the claimed combination.

The prior art of record teaches an antireflection film comprising a transparent layer formed of a cured product of an ionizing radiation-curable resin composition; and a concave-convex portion having a specific continuous and regular shape comprising fine concaves and convexes continuously provided at a predetermined pitch of not more than the wavelength of light. However, the prior art does not teach a polarizing element comprising a polarizing plate; and, stacked on the polarizing plate, the antireflection film as claimed and there is no motivation or teaching to modify this difference as derived.

Response to Arguments

8. Applicant's arguments with respect to claims 1-7 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

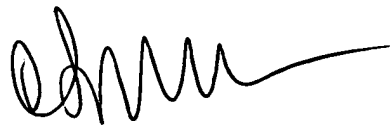
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (703) 306-0533. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703) 308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

ava/va
October 19, 2002



Cassandra Spyrou
Supervisory Patent Examiner
Technology Center 2800